

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**FORTY-SEVENTH LEGISLATIVE DAY**  
**FRIDAY, FEBRUARY 27, 2015**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Cameron, absent and excused. [District 17 seat is temporarily vacant.]

Prayer was offered by Acting Chaplain Keith Buhler.

The Pledge of Allegiance was led by Nolan Cole, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 26, 2015, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SCR 113

#### BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE RELATING TO RULES GOVERNING LIVESTOCK DEALERS, BUYING STATIONS, AND LIVESTOCK TRADER LOTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho State Department of Agriculture relating to Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein,

that IDAPA 02.04.28, the Idaho State Department of Agriculture, Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots, adopted as a pending rule under Docket Number 02-0428-1401, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

#### SCR 114

#### BY STATE AFFAIRS COMMITTEE

#### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE BOARD OF VETERINARY MEDICINE RELATING TO RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Board of Veterinary Medicine relating to Rules of the State of Idaho Board of Veterinary Medicine is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 46.01.01, the Board of Veterinary Medicine, Rules of the State of Idaho Board of Veterinary Medicine, adopted as a pending rule under Docket Number 46-0101-1401, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

[SCR 113](#) and [SCR 114](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 27, 2015

The JUDICIARY AND RULES Committee reports that [S 1109](#) has been correctly printed.

LODGE, Chairman

[S 1109](#) was referred to the Judiciary and Rules Committee.

February 25, 2015

The HEALTH AND WELFARE Committee reports out [SCR 109](#) and [SCR 110](#) with the recommendation that they do pass.

HEIDER, Chairman

[SCR 109](#) and [SCR 110](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 26, 2015

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1001](#), [S 1046](#), [S 1047](#), [S 1063](#), and [S 1078](#) with the recommendation that they do pass.

TIPPETS, Chairman

[S 1001](#), [S 1046](#), [S 1047](#), [S 1063](#), and [S 1078](#) were filed for second reading.

February 26, 2015

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial reappointment listed below and the Committee recommends that said reappointment be confirmed by the Senate:

Ken Edmunds as the Director of the Department of Labor, term to expire January 7, 2019.

TIPPETS, Chairman

The Gubernatorial reappointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 26, 2015

The TRANSPORTATION Committee reports out [H 70](#) with the recommendation that it do pass.

BRACKETT, Chairman

[H 70](#) was filed for second reading.

February 26, 2015

The HEALTH AND WELFARE Committee reports out [H 33](#) and [HCR 5](#) with the recommendation that they do pass.

HEIDER, Chairman

[H 33](#) was filed for second reading.

[HCR 5](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 26, 2015

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 68](#) and [H 95](#) with the recommendation that they do pass.

SIDDOWAY, Chairman

[H 68](#) and [H 95](#) were filed for second reading.

February 26, 2015

The EDUCATION Committee reports out [HCR 3](#) with the recommendation that it do pass.

MORTIMER, Chairman

[HCR 3](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 27, 2015

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Dr. David Hill to the State Board of Education, term to expire July 1, 2017.

MORTIMER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 27, 2015

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Dennis Johnson to the Treasurer's Investment Advisory Board, term to expire July 1, 2018.

Wendy Lively to the Bingo-Raffle Advisory Board, term to expire January 7, 2018.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 27, 2015

The JUDICIARY AND RULES Committee reports out [S 1109](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1109](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Cameron was recorded present at this order of business.

February 26, 2015

Dear Mr. President:

I transmit herewith [H 128](#), [H 114](#), [H 90](#), [H 91](#), [HCR 11](#), [H 170](#), [H 104](#), [H 136](#), and [H 157](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 128](#), [H 114](#), [H 90](#), [H 91](#), [HCR 11](#), [H 170](#), [H 104](#), [H 136](#), and [H 157](#) were filed for first reading.

February 26, 2015

Dear Mr. President:

I return herewith [SCR 101](#), which has passed the House.

ALEXANDER, Chief Clerk

[SCR 101](#) was referred to the Judiciary and Rules Committee for enrolling.

February 26, 2015

Dear Mr. President:

I return herewith Enrolled [S 1018](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1018](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of Darrell Kerby was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Schmidt, seconded by Senator Keough, the Gubernatorial reappointment of Darrell Kerby as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of Curt Fransen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burgoyne, seconded by Senator Hagedorn, the Gubernatorial reappointment of Curt Fransen as the Director of the Department of Environmental Quality was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the committee reports of the Gubernatorial appointment confirmations of John McCreedy and Thomas P. Baskin retained their place on the calendar for Monday, March 2, 2015.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of Kermit Kiebert was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Heider, seconded by Senator Lacey, the Gubernatorial reappointment of Kermit Kiebert as a member of the Board of Environmental Quality was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial reappointment of Gavin Gee was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Ward-Engelking, seconded by Senator Souza, the Gubernatorial reappointment of Gavin Gee as the Director of the Department of Finance was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial reappointment of Jeffery Sayer was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Hagedorn, seconded by Senator Burgoyne, the Gubernatorial reappointment of Jeffery Sayer as the Director of the Department of Commerce was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that [HJM 2](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

Pursuant to Senate Rule 39(H), Senator Lacey disclosed a possible conflict of interest under applicable law.

On motion by Senator Siddoway, seconded by Senator Bair, [HJM 2](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that [SCR 107](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Keough, seconded by Senator Cameron, [SCR 107](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [HCR 4](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Johnson, seconded by Senator Lacey, [HCR 4](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1110 BY FINANCE COMMITTEE AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2015; PROVIDING LEGISLATIVE INTENT REGARDING CAPITAL REPRESENTATION COSTS; AND DECLARING AN EMERGENCY.

#### S 1111 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO MINIMUM WAGES; AMENDING SECTION 44-1502, IDAHO CODE, TO REVISE THE CALCULATION OF MINIMUM WAGES FOR EMPLOYEES, TO REVISE THE CALCULATION OF THE WAGES OF TIPPED EMPLOYEES AND TO REVISE THE CALCULATION OF WAGES FOR EMPLOYEES UNDER TWENTY YEARS OF AGE.

**S 1112**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO VACANCIES IN STATE OFFICE; AMENDING SECTION 59-904, IDAHO CODE, TO PROVIDE WHENEVER AN APPOINTEE'S TERM HAS EXPIRED AS PRESCRIBED BY LAW, THE GOVERNOR OR OTHER APPOINTING AUTHORITY SHALL REAPPOINT THE APPOINTEE TO THE POSITION WITHIN TWELVE MONTHS OF SUCH EXPIRATION OF TERM, OR SUCH OFFICE WILL BE DECLARED VACANT IF CERTAIN EVENTS OCCUR BY THE GOVERNOR OR THE APPOINTING AUTHORITY, TO PROVIDE FOR DOCUMENTATION TO ACCOMPANY APPOINTMENTS, TO PROVIDE PROCEDURES AND TO MAKE A TECHNICAL CORRECTION.

**S 1113**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO THE IDAHO BEEF COUNCIL; AMENDING SECTION 25-2906, IDAHO CODE, TO AUTHORIZE THE COUNCIL TO LEASE, PURCHASE OR OWN PERSONAL PROPERTY AND TO LEASE REAL PROPERTY DEEMED NECESSARY IN THE ADMINISTRATION OF SPECIFIED LAW.

[S 1110](#), [S 1111](#), [S 1112](#), and [S 1113](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 128](#), by Local Government Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 114](#), by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 90](#) and [H 91](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

[HCR 11](#), by Health and Welfare Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

[H 170](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 104](#), [H 136](#), and [H 157](#), by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[S 1100](#), by Resources and Environment Committee, was read the second time at length and filed for third reading.

[S 1004](#) and [S 1054](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1088](#), by Education Committee, was read the second time at length and filed for third reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:05 a.m. until the hour of 10 a.m., Monday, March 2, 2015.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary